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In the Supreme Court of the United States

HENRY MONTGOMERY, PETITIONER

v.

STATE OF LOUISIANA

ON WRIT OF CERTIORARI
TO THE SUPREME COURT OF LOUISIANA

BRIEF OF *AMICI CURIAE* STATE OF MICHIGAN AND 15 OTHER STATES IN SUPPORT OF RESPONDENT

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QUESTION PRESENTED

Whether the rule announced in *Miller* v. *Alabama*, 132 S. Ct. 2455 (2012), applies retroactively to cases final on direct review under the framework set out in *Teague* v. *Lane*, 489 U.S. 288 (1989).

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INTEREST OF *AMICI CURIAE*

The Attorneys General of the States are the chief law enforcement officers of their respective states, and they have a vital interest in protecting the finality of judgments for murder convictions that have been obtained over the last fifty years. This Court ruled in *Miller* v. *Alabama*, 132 S. Ct. 2455 (2012), that the *mandatory* imposition of life without parole for teenage murderers is unconstitutional. The question here is whether this decision applies retroactively.

The answer directly affects the administration of justice in the States. While federal prisons hold only 37 such prisoners, more than 2,000 criminals who committed murder while teenagers are currently incarcerated in state prisons. And the convictions for these state prisoners span more than five decades. Thus, the considerations of finality weigh heavily here. Any retroactive application of *Miller* would challenge the settled expectations of victims that these violent murderers would never be subject to release.

As guardians of the community's security, the amici States note that these offenders are as a category some of the most dangerous. They committed the gravest crime—murder. And they have been incarcerated for virtually their entire adult lives. Requiring the States to resentence hundreds of offenders, many of whose crimes were committed decades ago, would undermine the community's safety and would offend principles of finality.

INTRODUCTION AND SUMMARY OF ARGUMENT

Contrary to the suggestion of some, the prisoners who seek the retroactive application of *Miller* are not all hapless aiders and abettors who played a secondary role and whose cases reached finality a year or two before the *Miller* decision. Rather, the cases span more than fifty years. And they include some of the most vicious criminals anywhere.

In Michigan, for example, James Porter systematically executed a woman and her four children. He committed this brutal crime in 1982, when he was 16. The idea of having a resentencing hearing more than 30 years later to examine Porter's "immaturity [and] impetuosity," 132 S. Ct. 2468, when he is now almost 50 years old is dubious. Such examples are legion throughout the states.

In fact, the experience of the states with some of the largest number of murderers committed by juveniles (Pennsylvania, Michigan, Louisiana, Illinois, and Missouri) underscore the deep problems of finality raised by this case. Of the more than 2,000 offenders nationwide, as many as half were sentenced more than 20 years ago.

Even aside from the practical limitations on retroactivity, the determination whether a rule is substantive and therefore should be applied retroactively should depend on whether the conduct for which the defendant is currently incarcerated is not criminal or carries a sentence that the law cannot impose. By this definition, *Miller* did not announce a substantive rule and does not apply.

This rule makes sense because while it offends basic fairness to force a criminal to serve a sentence that could never have been imposed, that is not the case here. *Miller* does not require that the juvenile receive a different sentence, but a different process. Montgomery could again receive the same sentence—life without parole—even if *Miller* applied. The *mandatory* nature of the sentence is not a part of the punishment, but only a description of the mechanism for the decision. *Miller* did not exclude a category of punishment.

The courts below that have applied *Miller* retroactively and the United States in its argument that *Miller* should apply retroactively both make two primary errors.

First, the fact that *Miller* changes the range of sentences, requiring the option of a more lenient sentence, does not indicate that it is a substantive change. The key point is that the same sentence may still be imposed. In this way, not a single criminal defendant is currently held for a sentence that could not have been imposed after *Miller*.

Second, the fact *Miller* requires a sentencer to consider additional factors, namely the offender's youth and related characteristics, does not mean that it changes the sentencing elements. *Miller* does not require any specific finding. It only requires individual sentencing.[1]

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[1] This brief only addresses the first question presented. With respect to the second question, the amici assume for purposes of argument that this Court has jurisdiction over the issue.

STATEMENT OF FACTS

Currently there are more than 2,000 inmates in prison serving life sentences for murders they committed when they were teenagers. Hundreds of these offenders were sentenced more than 20 years ago. The facts of one of these cases—the James Porter case from Michigan—underscore the considerations of finality at issue.

In 1982, James Porter was 16 years old and seemed to be the friend of Eric Giuliani, who had graduated from the high school that Giuliani still attended. (1/11/83 Tr., vol. II, at 478–79.) In the few months before the date of the crime, the Giuliani home had been subject to a couple of burglaries. (*Id.* at 488–91.) On April 7, 1982, Eric's sister, Cindy, and her mother, Elizabeth Giuliani, were planning on going bowling. It had been a snow day. (*Id.* at 529.) On that same day, Porter's younger brother Kent saw James Porter leaving the family home with a "gun case." (1/10/83 Tr., vol. I, at 394–96.)

The evidence demonstrated that Porter arrived at the Giuliani home that morning and systematically executed the entire family, except the father, Richard Giuliani, who was not at home.

Mrs. Giuliani was found outside of her bathroom in the hallway; Porter had shot her twice in the head with a .22 rifle, once above her right eye and again above her left ear. (1/11/83 Tr., vol. II, at 616–17, 657.)

Sixteen-year-old Kathy was found next to her mother, still dressed in her pajamas; Porter shot her once in her left temple. (*Id.* at 620, 660.)

Kathy's younger sister, Cindy, who was 13, was found in the bathroom. (*Id.* at 661.) She was already dressed, wearing a blue blouse, blue jeans, and socks. (*Id.*) Porter shot her three times, once in her left shoulder, and twice in her head. (*Id.* at 626.)

Eric Giuliani was found near his own bedroom; Porter shot him twice in the head. (*Id.* at 628, 665.)

The final victim found in the house was Dean or "Deano" Giuliani, who was ten years old. He was in the small bathroom, fully dressed, apparently hiding in the shower stall. (*Id.* at 666.) Porter shot him in his left temple and face with the bullet passing through his brain. (Id. at 632). There were casings throughout the house. (*Id.* at 604 (the responding officer said the casings were "everywhere I went").)

Afterward, Porter withdrew some cash from Eric Giuliani's bank account and went shopping with his friend at a car audio store, K-Mart, and Taco Bell before his arrest. (1/13/83, vol. III, at 879–80). Porter had argued with Eric about the earlier burglaries before his killing spree. (*Id.* at 984–86.)

James Porter was sentenced to life in prison with no opportunity for parole for five counts of first-degree murder on March 14, 1983, more than 30 years ago.

Crimes such as Porter's are indicative of the crimes in this class of offenders. For example, the Florida Court of Appeals, the first appellate court to address *Miller*'s retroactivity, addressed the sentence of a 16-year old who committed a brutal murder and held that *Miller* did not apply retroactively. See *Geter* v. *State*, 115 So. 3d 375 (Fla. App. 3 Dist. 2012).

The facts in Geter's case provide another illustration of the kinds of crimes that have led the States to seek life sentences for some teenage murderers:

> Geter was arrested for first-degree murder in December 2000, on the eve of his seventeenth birthday. Earlier that same day, a rock or stone was thrown through the front window of the victim's home, breaking the window, and allowing Geter to gain entry into the home. The victim, in an attempt to defend her home, her child, and herself, struggled with Geter and struck him in the head with a crowbar. However, Geter was able to overpower the victim. He ripped the victim's panties from her body, raped her, and ejaculated inside her vagina. During the violent struggle between the victim and Geter, the victim's three-year-old son was awoken by his mother's screams.
>
> After the rape, Geter got a butcher knife. He stabbed the victim in the neck eight to twelve times. Geter then cut the victim from her elbow to her wrist so that she would bleed faster and die. When the victim still had not died, Geter finally choked her to death. The victim's three-year old son witnessed the brutal murder of his mother. Before leaving the victim's home, Geter passed by the victim's son and told him to be a good boy. [*Geter*, 115 So.3d at 376.]

ARGUMENT

I. A duty to revisit all mandatory-life-without-parole sentences for teenage murderers would offend principles of finality.

Finality is an important principle, particularly in the context of convictions no longer subject to review. "Application of constitutional rules not in existence at the time a conviction became final seriously undermines the principle of finality which is essential to the operation of our criminal justice system." *Teague* v. *Lane*, 489 U.S. 288, 309 (1989) (plurality). The retroactive application of new rules to cases that are final impedes the effective operation of state criminal justice systems by "continually forc[ing] the States to marshal resources in order to keep in prison defendants whose trials and appeals conformed to then-existing constitutional standards." *Id.* at 310. By limiting retroactive application, "the *Teague* principle protects not only the reasonable judgments of state courts but also the States' interest in finality[.]" *Beard* v. *Banks*, 542 U.S. 406, 413 (2004).

The decision in *Miller* envisions a particular kind of sentencing for juveniles convicted of murder: sentencing that enables the court to consider the individual characteristics of the offender, including the mitigating qualities of youth. *Miller*, 132 S. Ct. at 2467. But for cases more than 20 years old, these considerations are blunted, if not irrelevant. A resentencing would not reflect *Miller* at all but would effectively become a parole hearing. The experience of some of the states with the largest populations discloses the threat to finality.

A. The *Miller* principles cannot be applied meaningfully to what are effectively cold cases.

Teague balances the principle of finality with the goal of protecting convicted defendants from constitutional violations. *Teague*, 489 U.S. at 309–10. While constitutional issues often involve questions of fairness, the States' interest in finality also implicate considerations of justice. Any retroactive application of *Miller* to these old, closed cases would offend the administration of justice in two ways.

As an initial matter, using only the numbers from five states with significant numbers of offenders sentenced to life without parole as juveniles, retroactive application of *Miller* would require the reevaluation of sentences of more than 1,000 prisoners who committed the most heinous of crimes under state law. And the cases span a fifty-year history. In real terms, these are cold cases: all of the relevant witnesses have moved on, police officers may have retired or died, and family members of the victim and perpetrator will need to be tracked down. For any medical professional who wishes to address the perpetrator's mental state at the time of the murder, their endeavor will require new investigation. It is a huge undertaking. It will be difficult in most cases and may be impossible in some.

In fact, for many of the cases, the sentencing court will now be unable to accomplish the specific task required under *Miller*. *Miller* lists the different factors that the sentencing court may consider in determining whether to impose life without parole, factors which may be digested into six categories:

> (1) *the "immaturity, impetuosity, and failure to appreciate risks and consequences," Miller*, 132 S. Ct. at 2468 (emphasis added);
>
> (2) "the family and home environment that surrounds [the defendant]—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional," *id.*;
>
> (3) "the circumstances of the homicide offense," *id.*;
>
> (4) "including the extent of his participation in the conduct," *id.*;
>
> (5) "*the way familial and peer pressures may have affected him*," *id.* (emphasis added);
>
> (6) how "he might have been charged and convicted of a lesser offense if not for incompetencies associated with youth—for example, his inability to deal with police officers or prosecutors (including on a plea agreement) or his incapacity to assist his own attorneys," *id.*

Several of these factors are dependent on the psychological profile of the perpetrator at the time of the crime, not the time of (re)sentencing. And these are facts that would have been unnecessary to prove at trial, so there will be no existing factual record on which to draw. The question whether a specific juvenile murderer was "immature" or "impetuous," and whether that person was affected by familial or peer pressure at the time of the murder, may now be infeasible to determine.

Significantly, half of these offenders were sentenced to life without parole more than 20 years ago, some reaching back more than 50 years. See 1.B, pp. 12–16. Any medical witness addressing the juvenile's mental status back then will not have conducted the research when the crimes occurred, so these questions may now be unanswerable. This fact shows one of the reasons why finality is an important legal principle: the passage of time often makes it less likely, not more, that courts will be able to uncover the truth. At some juncture, a decision that was constitutionally proper at the time it was made must stand, and cannot be subject to a radical revisiting 40 or 50 years later.

Consider the case of James Porter, one of the hundreds of prisoners who committed murders long ago who would be subject to *Miller* if that case applied retroactively. His brutal murder of a mother and her four children occurred on April 7, 1982, more than 30 years ago. He was 16 years old then and is almost 50 years old today. Porter systematically murdered his teenage friend Eric Guliani and his family, including 10-year old Deano, who was hiding in the bathroom.

Whether Porter was "impetuous" or "immature" in 1982, or whether he was under family or peer pressure, when he committed this mass murder will be hard to determine. That moment has passed. The States' strong interest in finality—an essential concept in the American criminal justice system—will be significantly undermined if *Miller* is applied retroactively. For the Porter case, and hundreds like it, the *Miller* test cannot even be meaningfully applied. Consistent with the administration of justice, the courts should not have to try to square the circle.

Rather, for the older cases, such resentencings will really amount to parole hearings. As an illustration, the National Association of Criminal Defense Lawyers provides guidance on how to conduct these (re)sentencings and advises defense counsel to focus on the prisoner's *current* state of mind:

> At the sentencing hearing, one must try to explain to the court that (1) *the kid who committed this crime (___ years ago) is not the same person who stands before the court now* or (2) he is still a kid and that kids are very different from adults.
>
> For a resentencing, the defense must show that the client is now a mature person and quote the language in *Graham* [v. *Florida*, 130 S. Ct. 2011, 2032 (2012)]: "Maturity can lead to that considered reflection which is the foundation for remorse, renewal, and rehabilitation." This is a person who, because he was a kid at the time, did not understand the full consequences of what he did. *He now fully understands what he did and all of the consequences, and now he is in full control of his behavior. He is safe to be released. He has been punished for what he did.* Obvious and considerable changes in a person can have a significant impact on a judge, prosecutor, and victim's family. [Stephen K. Harper, "Resentencing Juveniles Convicted of Homicide Post-Miller" (emphasis added).][2]

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[2] The article may be found at the NACDL website:

The point is a straight-forward one: for an older case, a sentencing court may give more consideration to the ability to release safely the offender rather than whether the offender "fail[ed] to appreciate [the] risks" or had been influenced by his "famil[y] and peers" at the time of the crime as *Miller* provided. 132 S. Ct. at 2468. The most notable aspect of the NACDL article is its focus on the "change" exhibited by the offender since the time of the crime, and not the *Miller* factors themselves. "Resentencing Juveniles," ("Another essential task is to speak to people in the jail or prison system (classification officers, teachers, corrections officers) who know and have worked with the defendant and have seen him change.")[3] The "circumstances of the homicide offense" and "the extent of his participation" in this view have yielded to the question whether the offender is safe now to be released. That reflects parole considerations, not *Miller*, and not a sentencing hearing more generally.

B. Relying on five states with a large number of juvenile offenders, as many as half committed their crimes more than 20 years ago.

According to a 2010 report from the National Conference of State Legislatures (NCSL), there were at that time 2,105 juvenile offenders sentenced to life without parole as a mandatory matter. "Juvenile Life

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http://www.nacdl.org/Champion.aspx?id=32657 (visited August 31, 2015). See March 2014 edition of *Champion* magazine.

[3] See n. 2.

Without Parole (JLWOP)," pp. 1–17."[4] More than 70% of these offenders are found in six states: Pennsylvania, Michigan, Louisiana, Florida, Illinois, and Missouri. Setting aside the State of Florida, as its offenders will not be affected by this decision,[5] this brief surveys the remaining five states each with more than 100 juvenile offenders to demonstrate the practical implications of a finding of retroactivity here.[6]

1. Pennsylvania

The Pennsylvania Supreme Court found *Miller* not retroactive under *Teague*. *Commonwealth* v. *Cunningham*, 81 A.3d 1, 8–9 (Pa. 2013). The legislative response changed the sentencing scheme for juveniles committed of murder who were convicted after *Miller*. Thus, there have been no resentencings for cases that were final on direct review.

For the listed 482 offenders, more than half were sentenced more than 20 years ago. See Appendix A (Pennsylvania). The oldest offender, Joseph Ligon, committed murder in 1956. The idea that the resentencing for Ligon, now 78 years old, will reflect any of the *Miller* factors in a meaningful way is untenable.

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[4] See http://www.ncsl.org/documents/cj/jlwopchart.pdf (visited August 31, 2015). The report listed 2,574 offenders, but 469 were sentenced to life as a discretionary matter.

[5] The Florida Supreme Court found that the *Miller* decision should apply retroactively in applying its own state rules of retroactivity. *Falcon* v. *State*, 162 So.3d 954, 961–63 (Fla. 2015).

[6] According to the NCSL report, see n.4, the five states each had more than 100 offenders in 2010, and they comprise a majority of the total juvenile lifers. The lists from the five states include a small percentage of cases that were pending at the time of *Miller*.

2. Michigan

Michigan follows a similar pattern. The Michigan Supreme Court found that *Miller* does not apply retroactively, reviewing it under federal law and its own state standard of retroactivity. *People* v. *Carp*, 852 N.W.2d 801, 832, 841 (Mich. 2014), cert. pending, *Carp.* v. *Michigan*, No. 14-824, *Davis* v. *Michigan* 14-8106. The Legislature passed a statute in the wake of *Miller* addressing juvenile lifers whose cases were final, creating a trigger if this Court rules that *Miller* is retroactive. Mich. Comp. Laws § 769.25a(2). In that circumstance, the prosecution would have the election to seek a life-without-parole sentence, and the sentencer would have to choose between life without parole and a term of years. Mich. Comp. Laws § 769.25a(2); § 769.25(9) (providing either life without parole or an indeterminate sentencing range 25-to-40 years minimum and 60-year maximum sentence).

More than half of the 368 listed offenders in Michigan, i.e., more than 200 offenders, committed their offense before 1995, more than 20 years ago. See Appendix B (Michigan). The oldest of these offenders is Sheldry Topp, who is 70 years old; he murdered his victim in 1962. Any resentencing for Mr. Topp would be more of a parole hearing than a sentencing.

3. Louisiana

Like Pennsylvania and Michigan, the Louisiana Supreme Court found that *Miller* was not retroactive. *State* v. *Tate*, 130 So.3d 829, 841 (2013). The Louisiana Legislature responded by making those juvenile offenders eligible for parole after 35 years if there has been a "judicial determination" that the murderer is entitled to parole eligibility. La. Rev. Stat. § 574.4(E).

Like Michigan and Pennsylvania, more than half—130—of the 202 committed their crimes more than 20 years ago. See Appendix C (Louisiana). The oldest offender, Clifford Hampton, committed murder on May 26, 1958, and he is now 74 years old.

4. Missouri

The issue of the retroactivity of *Miller* is pending in the Missouri Supreme Court. *Branch* v. *Cassady*, ___ S.W.3d ___ (Mo. Ct. App. W.D. 2015), case transferred to Missouri Supreme Court, March 31, 2015. The state intermediate court found *Miller* retroactive and remanded that case for resentencing in light of *Miller*. *Branch*, 2015 WL 160718, *1. The Missouri Legislature has passed no legislation in response to the *Miller* decision.

Of the more than 100 offenders, approximately half—53—were sentenced more than 20 years ago. See Appendix D (Missouri). One of the oldest offenders, Tommy Thomas, was sentenced on July 2, 1987.

5. Illinois

In contrast to Pennsylvania, Michigan, and Louisiana, the Illinois Supreme Court found *Miller* to be retroactive under *Teague*. *People* v. *Davis*, 6 N.E.3d 709, 722 (Ill. 2014). Like Missouri, the Illinois Legislature has made no change in response.

Relying on the numbers from Cook County, it appears that more than half of the approximate 100 listed offenders committed their crimes more than 20 years ago. See Appendix E (Cook County) (33 of the 53 offenders' cases from that county arose before 1995).

In addition to these five states, there are more than 20 other states that have another 700-plus offenders, and several of these states have around 50 such offenders (Alabama, Arkansas, Colorado, Iowa, Massachusetts, South Carolina, and Virginia).[7] Extrapolating from the lists of offenders from the five states surveyed, it is likely that another 350 or so juvenile offenders committed their murders more than 20 years ago. The finality concerns are unmistakable: reopening hundreds of cold cases in an attempt to ascertain how mature teenage murderers were decades ago when they committed their crimes would be a step much more likely to undermine than to improve the accuracy of these sentences.

Applying *Miller* retroactively raises the specter of hundreds of resentencings across the country to what are effectively cold cases. Such a ruling would undermine the administration of justice.

II. The *Miller* rule should not apply retroactively.

Miller creates a procedural rule that should not apply retroactively. It is also not a watershed rule. And the arguments that *Miller* should apply retroactively—that it is a substantive rule—would significantly change this Court's retroactivity jurisprudence in a way that would undermine the primary values undergirding the reasons for retroactivity.

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[7] The numbers are taken from the NCSL report. See n. 4.

A. The new rule that *Miller* created is a procedural one.

This Court has held that new rules announced in its decisions apply to all cases that are pending on direct review or not yet final. *Schriro* v. *Summerlin*, 542 U.S. 348, 351 (2004). But for convictions that are already final, the new rule applies in only "limited circumstances." *Id.* at 351–52.

The exceptions that allow retroactivity fall into two categories. "The first exception permits the retroactive application of a new rule if the rule places a class of private conduct beyond the power of the State to proscribe, or addresses a substantive categorical guarantee accorded by the Constitution, such as a rule prohibiting a certain category of punishment for a class of defendants because of their status or offense." *Graham* v. *Collins*, 506 U.S. 461, 477 (1993) (internal citations omitted). The second exception, which applies to watershed rules, has not yet been fully defined but is "clearly meant to apply only to a small core of rules requiring observance of those procedures that are implicit in the concept of ordered liberty." *Id.* (internal citations omitted).

On the question whether the *Miller* rule is a substantive or procedural rule, this Court has explained that the key to the analysis for a procedural change is that it "regulates only the manner of determining the defendant's culpability." *Summerlin*, 542 U.S. at 353. As a consequence, a procedural rule does not "alter the range of conduct the statute punishes." *Id.*

In contrast, a substantive change *does* change the range of conduct subject to punishment. This Court has explained that a substantive rule:

- "[P]rohibit[s] a certain category of punishment for a class of defendants because of their status or offense."[8]
- "[P]lace[s] particular conduct or persons covered by the statute beyond the State's power to punish."[9]
- "[N]arrow[s] the scope of a criminal statute by interpreting its terms."[10]
- "[M]odifies the elements of an offense."[11]

These descriptions interplay with one another. For example, where a decision modifies the elements of a crime, it alters the range of conduct the statute punishes, thereby rendering some formerly unlawful conduct lawful. *Summerlin*, 542 U.S. at 354.

Applying these standards, *Miller* does not decriminalize any class of conduct, see *Graham* v. *Collins*, 506 U.S. at 477, and does not prohibit a certain category of punishment for a class of defendants—juvenile murderers may still be sentenced to life without parole. *Miller*, 132 S. Ct. at 2471. And there is no question that the *Miller* decision does not narrow the scope of a criminal statute, see

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[8] *Beard*, 542 U.S. at 416 (citing *Penry* v. *Lynaugh*, 492 U.S. 302, 330 (1989)); accord *Graham* v. *Collins*, 506 U.S. at 477.

[9] *Summerlin*, 542 U.S. at 351-52.

[10] *Id.*

[11] *Id.* at 354.

Summerlin, 542 U.S. at 351–52, and does not place particular conduct outside the State's power to punish. *Miller*, 132 S. Ct. at 2471. Finally, it does not change the sentencing elements for the imposition of life without parole sentence because it does not require any specific finding.

Rather, *Miller* changes the sentencing process. The Court seemed to anticipate this question:

> Our decision does not categorically bar a penalty for a class of offenders or type of crime—as, for example, we did in *Roper* or *Graham*. Instead, it mandates only that a sentencer follow a certain process—considering an offender's youth and attendant characteristics—before imposing a particular penalty. [*Miller*, 132 S. Ct. at 2471.]

The thing that the new scheme requires is "individualized sentencing." *Id.* at 2466 n.2 ("*Graham* established one rule (a flat ban) for nonhomicide offenses, while we set out a different one (individualized sentencing) for homicide offenses."). This is a change to the process.

To put it another way, a convicted teenage murderer post-*Miller* may still be sentenced to life without parole. This is why it is not a categorical bar. Cf. *Penry* v. *Lynaugh*, 492 U.S. 302, 330 (1989) ("[I]f we held, as a substantive matter, that the Eighth Amendment prohibits the execution of mentally retarded persons such as Penry regardless of the procedures followed, such a rule would fall under the first exception to the general rule of nonretroactivity and would be applicable . . . on collateral review.").

Miller thus is different from this Court's other categorical exclusions. Cf. *Graham* v. *Florida*, 560 U.S. 48 (2010) (excluding life sentence for juveniles for non-homicides); *Roper* v. *Simmons*, 543 U.S. 551, 568 (2005) (excluding death penalty for juveniles); *Atkins* v. *Virginia*, 536 U.S. 304, 321 (2002) (excluding the death penalty for the mentally disabled). *Miller* does not exclude any penalty.

This distinction between substance and procedure is rooted in basic fairness. *Teague* ensures that a substantive rule applies retroactively because otherwise there is "[1] a significant risk that a defendant stands convicted of an act that the law does not make criminal or [2] faces a punishment that the law cannot impose upon him." *Summerlin*, 542 U.S. at 352 (internal quotes and citations omitted). Under *Miller*, a juvenile murderer is still subject to a life-without-parole sentence. None of this Court's definitions of substance apply to *Miller*.[12]

B. The primary arguments about why *Miller* is substantive are unavailing.

The petitioner and his amici offer two primary justifications about why *Miller* is substantive: either because it expands the range of possible punishments or because it requires a sentencer to consider certain factors at sentencing. These arguments for retroactivity would require a significant change in the law and would not further the basic values underlying the *Teague* test. This Court should reject them.

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[12] The amici agree with the arguments that Louisiana makes about why *Miller* is not a watershed rule.

1. The fact that life without parole for juveniles is still available after *Miller* is dispositive.

Both Montgomery and the United States rely as their first argument on the fact *Miller* alters the range of sentences available as to why the change here is substantive. Pet. Br. 16–19; U.S. Br. 13–18. It is true that before *Miller* only life without parole was available and now either paroleable life or a term of years must be available. But a change in possible outcomes does not fit within any of this Court's existing categories of the definition of "substantive." *Miller* does not exclude a category of punishment, but requires consideration of a lesser punishment that was not previously available.

That the change may yield different outcomes should not be dispositive as to whether the change is procedural or substantive. Cf. *Hanna* v. *Plumer*, 380 U.S. 460, 468 (1965) (recognizing, when addressing the *Erie* doctrine, that "procedural variation[s]" may also be " 'outcome-determinative' "). As with all significant changes to procedure for sentencing, a change in process very well may alter the sentence imposed. The most obvious example of such a change is *Beard*, which found that a prior decision striking down a unanimity requirement on mitigating factors for death penalty cases did not apply retroactively. 452 U.S. at 420. A jury might well decide to impose a lesser sentence, rather than the death penalty, where the jurors no longer must agree on the same basis for mitigation. See *Mills* v. *Maryland*, 486 U.S. 367, 384 (1988) ("The possibility that a single juror could block such consideration, and consequently require the jury to impose the death penalty, is one we dare not risk.").

To define "substantive" to include expanding the range of sentencing options would not further the considerations of justice that undergird this Court's retroactivity analysis. Finality properly yields where someone is serving a sentence that the government could not have lawfully imposed. See *Summerlin*, 542 U.S. at 352 (standards of retroactivity ensure that a criminal defendant will not "face[ ] a punishment that the law cannot impose upon him.") (internal citations omitted). But no one convicted of committing murder while a juvenile in Louisiana—or anywhere else—is currently serving a sentence that could not have been imposed. All of them *could* have received the same life-without-parole sentence if they committed first-degree murder today. For these offenders, the considerations of finality should govern.

The fact that this Court predicted that such sentencing outcomes would be "uncommon," see *Miller*, 132 S. Ct. at 2469, does not rebut the point. Basic principles of justice are offended by incarcerating someone for something that is not a crime or by imposing a sentence that could never have been imposed. But because life without parole remains a permissible sentence, there is no "significant risk" under *Summerlin*, 542 U.S. at 352, that someone is serving a sentence that could not be imposed. Contra U.S. Br. 21. The offense to justice is not in a criminal defendant serving a sentence unlikely to be constitutionally permissible, but rather serving one that could *never* be constitutionally imposed. The categorical nature of the exclusion is essential. It makes all the difference.

2. Requiring consideration of specific factors, as *Miller* does, is primarily a change in process.

In arguing that *Miller* was substantive and therefore retroactive, Montgomery argues that *Miller* requires consideration of specific factors. Pet. Br. 22–25. But Montgomery takes these factors too far. His analysis conflicts with the thrust of this Court's analysis in *Miller* and its death-penalty jurisprudence on retroactivity as it relates to consideration of mitigating circumstances at sentencing.

The key analysis from *Miller* explaining the Court's holding underscores the point that the Eighth Amendment requires a change to the sentencing process, and does not require any specific findings. *Miller*, 132 S. Ct. 2469 ("We therefore hold that the Eighth Amendment forbids a sentencing scheme that *mandates* life in prison without possibility of parole for juvenile offenders") (emphasis added); *id.* at 2475 ("the mandatory sentencing schemes before us violate this principle of proportionality"). The change in process is predicated on the need for the opportunity to consider mitigating evidence, but is nonetheless still a procedural change. This is true for all the mitigation cases.

Montgomery conflates the change in process that enables the sentencer to consider mitigating circumstances with the Court establishing a requirement that the sentencer make a specific finding necessary to a particular sentence, the latter of which would be a substantive change.

In particular, *Miller* requires a change to the sentencing scheme—the procedure of sentencing—to enable the sentencer to consider mitigating factors. *Miller*, 132 S. Ct. at 2458 ("But the mandatory penalty schemes at issue here prevent the sentencer from taking account of these central considerations [of the offender's youth]."). *Miller* sets out a different sentencing scheme—"individualized sentencing"—rather than a mandatory penalty scheme.

The analysis from *Summerlin* demonstrates the point and confirms that the change here is not a substantive one. In *Summerlin*, this Court announced that *Ring* v. *Arizona*, 536 U.S. 584 (2002), established a procedural rule when *Ring* held that a jury—not a sentencing judge—must find aggravating circumstances necessary for the imposition of the death penalty. *Summerlin*, 542 U.S. at 353. This Court noted that where a judicial decision "made a certain fact essential to the death penalty," the resulting new rule would be a substantive change. *Id.* But that is not what happened here.

Indeed, no single factor is controlling—no "certain fact" essential—under *Miller* that a sentencing court must find to justify its sentence. *Miller* merely lists considerations. It does not create a sentencing "element." If Montgomery were right, *Miller* would require a jury decision, since any new sentencing element would be prerequisites to the penalty. *Ring*, 536 U.S. at 604 ("the required finding [of an aggravated circumstance] expose[d] [Ring] to a greater punishment than that authorized by the jury's guilty verdict."). Not true here. The punishment of life without parole is available without any new required finding.

To be sure, *Miller* is replete with references to the importance of the sentencing court considering the teenage murderer's youthful characteristics and requires the sentence to "tak[e] account of an offender's age and the wealth of characteristics and circumstances attendant to it," 132 S. Ct. at 2467, but nevertheless this Court was unambiguous that the cure to this ill was to provide an individualized sentence, i.e., to give the sentencing court "discretion to impose a different punishment." *Id.* at 2460; 2466 n.2 (describing the rule it sets out as one of "individualized sentencing"). It is a change in the process, not in the "elements" or findings a court must make. See *Miller*, 132 S. Ct. at 2471 ("it mandates only that a sentencer follow a certain process") (emphasis added). It is not a substantive change.

CONCLUSION

This Court should hold that *Miller* v. *Alabama*, 132 S. Ct. 2455 (2012), does not apply retroactively.

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APPENDIX A

PENNSYLVANIA

Offender	Year of Birth	Offense Year[13]
1. Joseph Ligon	1937	1956
2. Donald White	1947	1966
3. James Romberger	1948	1967
4. Thomas Roach	1950	1969
5. Haywood Fennell	1950	1969
6. Foster Tarver	1951	1970
7. James Ferguson	1951	1970
8. John Nole	1951	1970
9. Albert Irby	1952	1971
10. Steven Northington	1952	1971
11. Carl Garnett	1953	1972
12. Michael Wilson	1953	1972
13. Louis Stanton	1953	1972
14. Robert Blagman	1953	1972
15. James Cobbs	1953	1972
16. Howard Jones	1953	1972
17. Richard Klinger	1954	1973
18. Benjamin Wright	1954	1973
19. Frank Lee	1954	1973
20. Jackie Thompson	1954	1973
21. William Hines	1955	1974
22. Earl Rice	1956	1975
23. Wayne Pritchett	1956	1975

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[13] The Pennyslvania Department of Corrections did not have dates of offense, so the year listed is the latest year the murder could have been convicted and the offender still have been under the age of 18.

PENNSYLVANIA

Offender	Year of Birth	Offense Year
24. Freddy McCutchen	1956	1975
25. John Veltre	1956	1975
26. Nathanial Anderson	1956	1975
27. Tyrone Jones	1956	1975
28. Lamont Harris	1956	1975
29. Scott Griffin	1957	1976
30. Brian Wallace	1957	1976
31. Kevin VanCliff	1957	1976
32. George Elliott	1957	1976
33. Charles Lawson	1957	1976
34. Floyd Wilson	1957	1976
35. George Peterson	1957	1976
36. Jeffrie Carr	1957	1976
37. John Young	1957	1976
38. Jeffery Dean	1957	1976
39. Bobby Brightwell	1957	1976
40. Damon Allen	1957	1976
41. Joseph Baynes	1957	1976
42. Brian McMichael	1957	1976
43. Kevin Davis	1958	1977
44. Kevin Evans	1958	1977
45. David Phillips	1958	1977
46. Michael Twigg	1958	1977
47. Kenneth Allen	1958	1977
48. Michael Kutenits	1958	1977
49. Larry Markle	1958	1977
50. John Cooper	1958	1977
51. Douglas Hollis	1958	1977

PENNSYLVANIA

Offender	Year of Birth	Offense Year
52. Jeffrey Cristina	1958	1977
53. Steven Austin	1958	1977
54. Michael Sullivan	1958	1977
55. Darryl McBee	1959	1978
56. Michael Watson	1959	1978
57. Willie Hill	1959	1978
58. Allen Brown	1959	1978
59. Terrance Kronk	1959	1978
60. Warner Batty	1959	1978
61. Lewis Lee	1959	1978
62. Darryl Ryan	1959	1978
63. Joseph Evans	1960	1979
64. Martin Knecht	1960	1979
65. Franklin Baines	1960	1979
66. Thomas Tomoney	1960	1979
67. Bruce Williams	1960	1979
68. William Sheppard	1960	1979
69. Yul Hayward	1960	1979
70. Andre Martin	1960	1979
71. Joseph Frisina	1960	1979
72. Stevin Linder	1960	1979
73. Ricky Battles	1960	1979
74. Stephen Mitchell	1960	1979
75. Raynard Green	1960	1979
76. Gregory Sourbeer	1961	1980
77. Marvin Garcia	1961	1980
78. Henry Satchell	1961	1980
79. John Lekka	1961	1980
80. Trina Garnett	1961	1980

PENNSYLVANIA

Offender	Year of Birth	Offense Year
81. Robert Burgess	1961	1980
82. Ronald Long	1961	1980
83. Kevin Brinkley	1962	1981
84. Kevin Hughes	1962	1981
85. Alphonso Leaphart	1962	1981
86. John Thompson	1962	1981
87. Tyrone Zeigler	1962	1981
88. Joseph Romeri	1962	1981
89. Eugene Richardson	1962	1981
90. Brian Hooper	1962	1981
91. Ceaser Grant	1962	1981
92. Michael Scribe	1962	1981
93. Robert Buli	1962	1981
94. Mark Robinson	1962	1981
95. Glenn Winokur	1962	1981
96. Eddie McCrary	1962	1981
97. Henry Smolarski	1962	1981
98. Roxanne Severcool	1962	1981
99. Roderick Allen	1962	1981
100. Anthony Jones	1962	1981
101. Courtney Richardson	1962	1981
102. Daniel Peters	1963	1982
103. Robert Ruffin	1963	1982
104. Leonard Bocchicchio	1963	1982
105. Steven Ivey	1963	1982
106. Henry Robinson	1963	1982
107. David Maldonado	1963	1982
108. George Brooker	1963	1982
109. Paul Boatwright	1963	1982

PENNSYLVANIA

Offender	Year of Birth	Offense Year
110. Chris Jordan	1963	1982
111. Jeffery Branch	1964	1983
112. Charles Brown	1964	1983
113. Dennis Flanagan	1964	1983
114. Courtney Boyd	1964	1983
115. Ronald Saunders	1964	1983
116. Richard Phelps	1964	1983
117. Raymond Holley	1964	1983
118. Edward Martin	1964	1983
119. Donnell Bennet	1964	1983
120. Victor Scott	1964	1983
121. Eugene Carney	1964	1983
122. James Button	1964	1983
123. Tyrone Payne	1964	1983
124. Richard Olds	1964	1983
125. Vincent Boyd	1965	1984
126. Christopher Nolan	1965	1984
127. John Waters	1965	1984
128. Vincent Beckton	1965	1984
129. James Miller	1965	1984
130. Scott Davis	1965	1984
131. Anthony Brown	1965	1984
132. Clarence Hayman	1965	1984
133. Edwin Humphreys	1965	1984
134. Robert Bebout	1965	1984
135. David Perry	1966	1985
136. Robert Garcia	1966	1985
137. Francis Washington	1966	1985
138. Joseph Aulisio	1966	1985

PENNSYLVANIA

Offender	Year of Birth	Offense Year
139. Scott Shaw	1966	1985
140. Joyce Granger	1966	1985
141. Raymond Williams	1966	1985
142. Charles Manor	1966	1985
143. Henry Smalls	1966	1985
144. Troy David	1966	1985
145. Joseph Laconti	1966	1985
146. Reginald Roana	1967	1986
147. Kenneth Bryant	1967	1986
148. Johnnie Freeman	1967	1986
149. Raymond Mitchell	1967	1986
150. John Lebo	1967	1986
151. Anthony Johnson	1967	1986
152. Tracey Pietrovito	1967	1986
153. Herbert Harris	1967	1986
154. Armenious Alston	1967	1986
155. Vernon Steed	1968	1987
156. John Pace	1968	1987
157. Richard Mazeffa	1968	1987
158. Edwen Garcia	1968	1987
159. Percy Lee	1968	1987
160. Carl Kirksy	1968	1987
161. Anthony Cessna	1968	1987
162. Keith Johnson	1968	1987
163. Aaron Phillips	1969	1988
164. Luis Gonzalez	1969	1988
165. Jesse McCrath	1969	1988
166. Norman Bryant	1969	1988
167. Richard Moore	1970	1989

PENNSYLVANIA

Offender	Year of Birth	Offense Year
168. Jose Hernandez	1970	1989
169. Bernard Williams	1970	1989
170. James Rodgers	1970	1989
171. Kerry Marshall	1970	1989
172. Demetrius Cull	1971	1990
173. Corey Hollinger	1971	1990
174. Keith Anderson	1971	1990
175. Michael Boettlin	1971	1990
176. Johnny Miller	1971	1990
177. James Martinez	1971	1990
178. Juan Gonzales	1971	1990
179. Rashid Parks	1971	1990
180. Donald Zoller	1971	1990
181. Michael Vest	1971	1990
182. Michael Holmes	1971	1990
183. Maurice Murray	1971	1990
184. Antonio Gonzelez	1971	1990
185. Michael McFadden	1971	1990
186. Horace Deloatch	1971	1990
187. Theopholis Wilson	1971	1990
188. Maurice Jones	1971	1990
189. Jason Reed	1972	1991
190. Kempis Songster	1972	1991
191. Shawn Bell	1972	1991
192. Timothy Hanson	1972	1991
193. Henry Whitman	1972	1991
194. Scott Noll	1972	1991
195. John Blount	1972	1991
196. Dale Gardner	1972	1991

PENNSYLVANIA

Offender	Year of Birth	Offense Year
197. Tracey Marrero	1972	1991
198. Dameon Brome	1972	1991
199. Michael Reed	1972	1991
200. Dwayne Morningwake	1972	1991
201. Roberto Gonzalez	1972	1991
202. George Teets	1972	1991
203. Michaele Anderson	1972	1991
204. Christopher Weatherill	1972	1991
205. Anthony Wright	1972	1991
206. Miguel Martinez	1972	1991
207. Donnell Drinks	1973	1992
208. Jermaine McEleveen	1973	1992
209. Bobby Harris	1973	1992
210. Mark Graber	1973	1992
211. Paul Brewton	1973	1992
212. Alfonzo Madison	1973	1992
213. Erik Vanzant	1973	1992
214. Michael Lehman	1973	1992
215. Wilfredo Caballero	1973	1992
216. Michael Henry	1973	1992
217. Toby Wooten	1973	1992
218. Virgil Shaw	1973	1992
219. Stacey Torrance	1973	1992
220. Robert Rosser	1973	1992
221. Michael Howard	1973	1992
222. Robert Holbrook	1974	1993
223. Theodore Burns	1974	1993
224. Yerodeen Williams	1974	1993
225. Frank Grazulis	1974	1993

PENNSYLVANIA

Offender	Year of Birth	Offense Year
226. Shaurn Thomas	1974	1993
227. Joseph Metts	1974	1993
228. Tabitha Buck	1974	1993
229. Daniel White	1974	1993
230. Shannon Robinson	1974	1993
231. David Lahoz	1974	1993
232. James Hough	1974	1993
233. Marvin Woods	1974	1993
234. Ernest Franklin	1974	1993
235. Mollo Figuera	1974	1993
236. Giovanni Reed	1974	1993
237. Michael Arce	1974	1993
238. Alan Earp	1974	1993
239. Samuel Gladden	1975	1994
240. Hector Flores	1975	1994
241. Scott Shroat	1975	1994
242. Joseph Jones	1975	1994
243. Perry Lighty	1975	1994
244. Henry Dennison	1975	1994
245. Christopher Baker	1975	1994
246. Regis Seskey	1975	1994
247. Harry Williams	1975	1994
248. Kenon Sayles	1975	1994
249. Donald Flynn	1975	1994
250. Ricky Roberts	1975	1994
251. Frazier Martinez	1975	1994
252. Harold Stinson	1975	1994
253. Joseph Chamberlain	1975	1994
254. Marlo Clark	1975	1994

PENNSYLVANIA

Offender	Year of Birth	Offense Year
255. Tyrone Henderson	1975	1994
256. Ronald Fairiror	1975	1994
257. Ellery Little	1976	1995
258. Sharvonne Robbins	1976	1995
259. Ricardo Noble	1976	1995
260. Omar Shamsiddeen	1976	1995
261. Malik Bey	1976	1995
262. Benjamin Brabham	1976	1995
263. Jamal Allen	1976	1995
264. Omar Dennis	1976	1995
265. Bernardo Burnside	1976	1995
266. Michael Foust	1976	1995
267. Michael Harrison	1976	1995
268. Melisa McManus	1976	1995
269. Michael Gibbs	1976	1995
270. Antonio Howard	1976	1995
271. Thomas O'Neal	1976	1995
272. Todd Hill	1976	1995
273. William Taylor	1976	1995
274. Avery Talmadge	1976	1995
275. Phillip Foxx	1976	1995
276. Tyrone Jackson	1976	1995
277. Albert Butler	1976	1995
278. Norman Gundrum	1976	1995
279. Nathaniel Bunday	1977	1996
280. Lawrence Fisher	1977	1996
281. Tyree Sanders	1977	1996
282. Rondell Carrero	1977	1996
283. Atil Finney	1977	1996

PENNSYLVANIA

Offender	Year of Birth	Offense Year
284. Asim Mack	1977	1996
285. Darrell Heath	1977	1996
286. Carl Collins	1977	1996
287. Justin Secreti	1977	1996
288. Robert Innis	1977	1996
289. Dorian Lamore	1977	1996
290. Carl Wilkins	1977	1996
291. Gregory Brown	1977	1996
292. Ronnie Bethea	1977	1996
293. Johnny Berry	1977	1996
294. Keith Hicks	1977	1996
295. Rodney Derrickson	1977	1996
296. Julius Jenkins	1977	1996
297. Rafael Gary	1977	1996
298. Bryan Freeman	1978	1997
299. Christopher Young	1978	1997
300. Jermaine Young	1978	1997
301. Shaun Winters	1978	1997
302. Maurice Bailey	1978	1997
303. Ricardo Campos	1978	1997
304. Nathan Riley	1978	1997
305. Ricardo Cruz	1978	1997
306. Fabian Lopez	1978	1997
307. Manuel Ortiz	1978	1997
308. Michael Crosby	1978	1997
309. Clayton Faxon	1978	1997
310. Jason Scott	1978	1997
311. Terrence Lewis	1978	1997
312. Ahmad Holmes	1978	1997

PENNSYLVANIA

Offender	Year of Birth	Offense Year
313. German Cruz	1978	1997
314. Ollie Taylor	1978	1997
315. Anthony Lewis	1978	1997
316. Tamika Bell	1978	1997
317. Neil Lyew	1978	1997
318. Jamar Sowell	1979	1998
319. Michael Williams	1979	1998
320. David Freeman	1979	1998
321. Jorge Munoz	1979	1998
322. Rodney Walton	1979	1998
323. Scott Walker	1979	1998
324. Tony Lewis	1979	1998
325. Rafael Torres	1979	1998
326. Eugene Gilyard	1979	1998
327. B. Whetstone	1979	1998
328. Brian Samuel	1979	1998
329. Aquil Tillman	1979	1998
330. Dirron Tindal	1979	1998
331. Clarence Laudenberger	1979	1998
332. Samuel Smith	1979	1998
333. Jamar McCullough	1979	1998
334. Hassan Mayhew	1979	1998
335. Hector Huertas	1979	1998
336. Phillip Pratt	1979	1998
337. Jorge Cintron	1979	1998
338. Ricky Moorefield	1979	1998
339. Ricardo Peoples	1979	1998
340. Trazis Durham	1979	1998
341. Timothy Rose	1979	1998

PENNSYLVANIA

Offender	Year of Birth	Offense Year
342. Melvin Ortiz	1980	1999
343. Parris Harper	1980	1999
344. Hasan Abbott	1980	1999
345. John Jacob	1980	1999
346. Nicholas Bowen	1980	1999
347. Levar Jones	1980	1999
348. Kristopher Heggins	1980	1999
349. Riyad Johnson	1980	1999
350. Dwayne Smith-Bey	1980	1999
351. Leroy Walker	1980	1999
352. David Valasquez	1980	1999
353. Clarence Adams	1980	1999
354. Allie Speights	1980	1999
355. Ronnie Johnson	1980	1999
356. Aramis Gonzalez	1980	1999
357. Daron Nesbit	1980	1999
358. Antonio Morales	1980	1999
359. Edward Walls	1980	1999
360. Ivory King	1981	2000
361. Aaron Smith	1981	2000
362. Jonathan Hernandez	1981	2000
363. Raheem Shackleford	1981	2000
364. Derrick Harvey	1981	2000
365. Yusef Whitehead	1981	2000
366. Nicholas White	1981	2000
367. Vincent Talley	1981	2000
368. Anwar East	1981	2000
369. Andrew Callahan	1981	2000
370. James House	1981	2000

PENNSYLVANIA

Offender	Year of Birth	Offense Year
371. Clinton Walker	1981	2000
372. Joseph Flowers	1981	2000
373. Charles Carlson	1981	2000
374. Muhammad Davis	1981	2000
375. Jessica Holtmeyer	1982	2001
376. Arthur Dunn	1982	2001
377. Shariff Ingram	1982	2001
378. Dontae Chambers	1982	2001
379. Derrick Chappell	1982	2001
380. Ian Cunningham	1982	2001
381. Maurice Williams	1982	2001
382. Neil Simpson	1982	2001
383. Daniel Castro	1982	2001
384. Michael Pendleton	1982	2001
385. Terrell Clary	1983	2002
386. Zachery Witman	1983	2002
387. David Moua	1983	2002
388. Kenneth Crawford	1983	2002
389. Donald Brown	1983	2002
390. Miguel Garcia	1983	2002
391. James Provitt	1983	2002
392. Robert Outlaw	1983	2002
393. Gabriel Correa	1984	2003
394. Bryan Chambers	1984	2003
395. Malik Johnson	1984	2003
396. Mack Hill	1984	2003
397. Michael Bourgeois	1984	2003
398. Bryant Foreman	1984	2003
399. Fred Porter	1984	2003

PENNSYLVANIA

Offender	Year of Birth	Offense Year
400. Jermaine Abrams	1984	2003
401. Nasir Elliott	1985	2004
402. Richard Kemper	1985	2004
403. Edward Goudy	1985	2004
404. Ronaldo Sanchez	1985	2004
405. Dominic Coia	1985	2004
406. Kamil Walker	1985	2004
407. Aaron Wilson	1985	2004
408. Bradley Grim	1985	2004
409. Brandon Brown	1985	2004
410. Brian Bahr	1985	2004
411. Steven Pannebaker	1985	2004
412. Derrick Davis	1985	2004
413. Brandon Summers	1986	2005
414. Steve Jones	1986	2005
415. Justin Robertson	1986	2005
416. Wayne Goodman	1986	2005
417. Nicholas Coia	1986	2005
418. Marcus Christie	1986	2005
419. Yariel Cortes	1986	2005
420. Ramon Cintron	1986	2005
421. Edward Batzig	1986	2005
422. Aleem Williams	1986	2005
423. Anthony Machicote	1986	2005
424. Kiyiem Hagwood	1986	2005
425. Jeremy Melvin	1986	2005
426. Keith Warrington	1987	2006
427. Anthony Romanelli	1987	2006
428. Jimmy Carrero	1987	2006

PENNSYLVANIA

Offender	Year of Birth	Offense Year
429. Tyson Montgomery	1987	2006
430. Randolph Creighton	1987	2006
431. Kyle Williams	1987	2006
432. Fanon Zuber	1987	2006
433. Jamil Thomas	1987	2006
434. Erik Surrat	1987	2006
435. Delbert Williams	1987	2006
436. Tamir Turner	1988	2007
437. Christopher Duncan	1988	2007
438. Khalif McDuffy-Anderson	1988	2007
439. Alante Manigualt	1988	2007
440. Chaiz Brown	1988	2007
441. Felix Rosa	1989	2008
442. Clarence Saunders	1989	2008
443. Tashan Bundy	1989	2008
444. Rahmil Fields	1989	2008
445. Luis Andujar	1989	2008
446. Walter Stawarz	1989	2008
447. Michael McMillan	1989	2008
448. David Sparks	1989	2008
449. Tajjideen Whitaker	1989	2008
450. Christopher McEneaney	1989	2008
451. Maleek Williams	1990	2009
452. Vincent Pratt	1990	2009
453. Raymond Ward	1990	2009
454. Darnell Hamrick	1990	2009
455. Devon Knox	1990	2009
456. Jovan Knox	1990	2009
457. Eric Smith	1990	2009

PENNSYLVANIA

Offender	Year of Birth	Offense Year
458. Emru Kebede	1990	2009
459. Anthony Jacobs	1990	2009
460. Andre Vessels	1990	2009
461. Johnny Brown	1991	2010
462. Alec Kreider	1991	2010
463. Kwilson Coleman	1991	2010
464. Dorian Peterson	1991	2010
465. Eric Hancock	1991	2010
466. Qu'eed Batts	1991	2010
467. Stephen Hall	1991	2010
468. Anton Patterson	1991	2010
469. Lamon Street	1991	2010
470. Earl Hawkins	1991	2010
471. Raymont Walker	1991	2010
472. Earl Hawkins	1991	2010
473. James Canady	1991	2010
474. Christian Hernandez	1991	2010
475. Joseph Gainer	1991	2010
476. Ian Seagraves	1992	2011
477. Johnie Washington	1992	2011
478. Michael Felder	1992	2011
479. Anthony Satchell	1992	2011
480. Christian Kenyon	1992	2011
481. Isaiah Hereford	1993	2012
482. Omar Hooks	1992	2012[14]

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[14] The list from the Pennsylvania Department of Corrections includes some offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. These offenders are entitled to resentencing irrespective of the *Montgomery* decision.

APPENDIX B

MICHIGAN

Offender	Year of Birth	Offense Year
1. Sheldry Topp	1944	1962
2. Robert Trombley	1946	1963
3. John Hall	1949	1967
4. Bobby Griffin	1950	1967
5. Roderick Walker	1951	1968
6. Robert Cook	1952	1969
7. Daniel Wheeler	1952	1970
8. Zerious Meadows	1954	1970
9. David Bennett	1954	1972
10. Kevin Cottingham	1955	1973
11. David Abdalla	1956	1974
12. Timothy Clark	1956	1974
13. Kenneth Williams	1957	1974
14. Robert Morton	1957	1973
15. Walter Jones	1957	1975
16. William Cooke	1957	1975
17. David Walton	1957	1975
18. William Washington	1957	1975
19. Edward Sanders	1958	1975
20. William Garrison	1959	1976
21. Roger Hinton	1959	1976
22. Kenneth Carter	1959	1976
23. Mark Dawson	1959	1976
24. Charles Lewis	1959	1976
25. Charles Finch	1960	1976
26. Darnell Johnson	1960	1976
27. Michael Calvin	1960	1976

MICHIGAN

Offender	Year of Birth	Offense Year
28. Joe Frank Wesley	1960	1978
29. Gary Peters	1960	1977
30. Anthony Jones	1961	1979
31. Thomas Anzures	1961	1979
32. Timothy Kincaid	1961	1978
33. Albert Garrett	1962	1980
34. Ronnie Waters	1962	1980
35. William Hogue	1962	1980
36. Robert Dukes	1963	1980
37. Donnie Davis	1963	1980
38. Ronald Tolbert	1963	1981
39. Henry Hill, Jr.	1963	1980
40. Christopher Powell	1963	1981
41. Timothy Carigon	1963	1980
42. Fonza Jackson	1964	1981
43. Ronnie Williams	1964	1981
44. Richard Musselman	1964	1980
45. Scott Davis	1964	1980
46. Charles Daniel	1964	1980
47. James Howard	1964	1981
48. Dennis Johnson	1964	1980
49. David Samel	1964	1981
50. Daren Porter	1964	1981
51. Ray Howell	1964	1982
52. James Porter IV	1965	1982
53. Kevin Denman	1965	1982
54. Garron Mason	1965	1982
55. Renard Johnson	1965	1982
56. Brian Granger	1965	1983

MICHIGAN

Offender	Year of Birth	Offense Year
57. Ronald Moore, Jr.	1966	1981
58. Michael McCracken	1966	1983
59. Shane Richey	1966	1983
60. Machelle Pearson	1966	1983
61. Yolanda Simpson	1966	1984
62. Michael Kvam	1966	1984
63. Scott Rata	1966	1982
64. Timothy Jordan	1967	1984
65. Donald McAfee	1967	1984
66. Michael Jackson	1967	1983
67. Ernest Davis	1967	1984
68. Diangelo Stewart	1968	1986
69. Jerry Lashuay	1968	1983
70. Dennis Watson	1968	1985
71. William Bryant	1968	1984
72. Ronald Hammond	1968	1985
73. Thomas Ross	1968	1986
74. Mark Storey	1968	1984
75. Kenneth Anderson	1968	1986
76. Charles Porter, Jr.	1969	1984
77. Dexter Tolliver	1969	1984
78. Walter Miller	1969	1986
79. Damion Todd	1969	1986
80. Terry Morris	1969	1987
81. Richard Simmons	1969	1986
82. Eric Brown	1969	1986
83. Tony Taylor	1969	1984
84. Jemal Tipton	1969	1987
85. Gerald Colson	1969	1987

MICHIGAN

Offender	Year of Birth	Offense Year
86. Willie Benjamin	1969	1987
87. Ronald Williams	1969	1987
88. Bennie Williams	1969	1985
89. Melvin Banks	1969	1987
90. Craig Whilby	1969	1987
91. Robert Goodyear	1970	1987
92. Herbert Allen	1970	1986
93. Paul Young	1970	1987
94. Tommy Richards	1970	1987
95. Karl Strunk	1970	1987
96. Lynn McNeal, Jr.	1970	1987
97. Michael Patterson	1970	1988
98. Kimberly Simmons	1970	1988
99. Terrance Thomas	1970	1987
100. Christopher Machacek	1970	1986
101. Antonio Espree	1971	1987
102. Donyelle Black	1971	1987
103. James Thomas	1971	1987
104. James Taylor	1971	1987
105. Steven Osterhout	1971	1988
106. Sherwin McMillan	1971	1988
107. Henry Jewell	1971	1989
108. Norman Buck, Jr.	1971	1988
109. Kendrick Youngblood	1971	1988
110. Eric Cammon	1971	1988
111. Norman Sego	1971	1988
112. John Jackson	1971	1989
113. Anthony Bonelli	1971	1989
114. Shawn Harris	1972	1989

MICHIGAN

Offender	Year of Birth	Offense Year
115. Clifton Gill	1972	1988
116. Andre Calloway	1972	1989
117. Brian Ivory	1972	1987
118. Larone Harris	1972	1987
119. Jonathan Martin	1972	1988
120. Joseph Passeno	1972	1989
121. John Atkins, Jr.	1972	1989
122. Jerry Allore, Jr.	1972	1989
123. Patrick Gray	1972	1988
124. Jessie Hayes	1972	1989
125. Corey Bibbs	1972	1990
126. Mario Henderson	1972	1990
127. Marvin Lewis	1972	1990
128. Daryle Baker	1972	1990
129. Robert Anderson	1972	1990
130. Gerald Merrell	1973	1990
131. Kishan Miller	1973	1990
132. Timothy Riddle	1973	1988
133. Jamal Brown	1973	1991
134. Jamar Johnson	1973	1989
135. Bruce Michaels	1973	1989
136. Michael Perry	1973	1990
137. Demetrius Knuckles	1973	1990
138. Willie Servant	1973	1991
139. Efran Paredes, Jr.	1973	1989
140. Bekeiba Holland	1973	1991
141. Ramon Evans	1973	1990
142. John Loepke	1973	1991
143. Antonio Williams	1973	1991

MICHIGAN

Offender	Year of Birth	Offense Year
144. Trevor Brownlee	1974	1989
145. Leonard Williams	1974	1990
146. Ferandal Reed	1974	1991
147. Amy Black	1974	1990
148. Victor Waterford	1974	1990
149. Barbara Hernandez	1974	1990
150. Bobby Hines	1974	1989
151. Michael Edwards	1974	1989
152. Thomas Armstrong	1974	1989
153. Thomas Bassett	1974	1991
154. Omair Camper	1974	1991
155. Thomas Krause	1974	1991
156. Brad Warner	1974	1991
157. Ervin Jennings	1974	1992
158. Alexis Ayala	1974	1990
159. Sergio Prince	1974	1991
160. Mark Reedy	1974	1991
161. Eddie Spiller	1974	1992
162. Agustin Pena	1975	1990
163. Jose Burgos	1975	1991
164. Timothy Lewis	1975	1992
165. Bosie Lee Smith	1975	1992
166. Christopher Tobar	1975	1993
167. William Rucker	1975	1992
168. Robert German	1975	1992
169. Deon Haynes	1975	1992
170. Clyde Potts	1975	1993
171. Jennifer Pruitt	1975	1992
172. Jenard Sharp	1975	1993

MICHIGAN

Offender	Year of Birth	Offense Year
173. Lorenzo Harrell	1975	1993
174. Stanley Adams	1975	1993
175. Michael Jarrett	1975	1992
176. Shavante Johnson	1975	1993
177. Roderick Elliot	1975	1993
178. Stanley Fowle	1975	1993
179. Kyle Daniel	1976	1993
180. Rodney Black	1976	1993
181. William Neilly	1976	1993
182. Victor Polk	1976	1993
183. Ulysses Averheart	1976	1992
184. Robert Whitfield	1976	1992
185. Marcus Walker	1976	1991
186. Jeremy Longerbeam	1976	1992
187. William Walker	1976	1992
188. Jamie Huggins	1976	1993
189. Donald Williams	1976	1993
190. Frederick McKinney	1976	1993
191. Gregory Wines	1976	1993
192. Tavares Wesley	1976	1994
193. Terrence Kelly	1976	1993
194. Karlos Carmichael	1976	1994
195. Lamont Card	1976	1994
196. Dominic Burdis	1976	1994
197. James Fuson	1976	1994
198. Sean Sword	1976	1994
199. Larry Irvin	1976	1993
200. Juan Perez	1976	1994
201. Robert Leamon III	1976	1993

MICHIGAN

Offender	Year of Birth	Offense Year
202. Maurice Sanders	1977	1993
203. Antonio Payne	1977	1993
204. Cortez Davis	1977	1993
205. Stephen Launsburry	1977	1993
206. Michael Scott	1977	1993
207. Cortez Scott	1977	1994
208. Leander Foster	1977	1994
209. David Clayton	1977	1994
210. Gameliel Ware	1977	1994
211. Ming Ho	1977	1994
212. Christopher Wiley	1977	1994
213. James Adrian	1977	1995
214. Brandon Harrington	1977	1995
215. Kevin Boyd	1977	1994
216. Mark Smith	1977	1995
217. David Jordan	1978	1995
218. Jason Symonds	1978	1994
219. Clinton Cheeks	1978	1993
220. Willie Debardelaben	1978	1994
221. Devon Watts	1978	1995
222. Brian Grandion	1978	1995
223. Bennie Layton	1978	1996
224. Michael Anderson	1978	1994
225. Christopher Mitchell	1978	1995
226. Devon Wyrick	1978	1996
227. David Melfi	1978	1995
228. Shannon Powell	1978	1995
229. Jeffery Seay	1978	1995
230. Walter White	1978	1996

MICHIGAN

Offender	Year of Birth	Offense Year
231. Diarra Bryant	1978	1996
232. Deshon Thomas	1978	1995
233. Tykeith Turner	1979	1995
234. Paul Carter	1979	1995
234. Juan Cantu	1979	1995
236. Willis Patton	1979	1995
237. Willie Clemons	1979	1995
238. Yusef Qualls	1979	1995
239. Daniel Jones	1979	1996
240. Allan Martin	1979	1996
241. Anthony Givens	1979	1996
242. Mark Abbatoy	1979	1997
243. Anthony Depalma	1979	1997
244. Federico Cruz	1979	1996
245. Darnell Johnson	1979	1997
246. Douglas Shuman	1979	1997
247. Anthony Martinez	1979	1997
248. Damon Jackson	1979	1997
249. Akil Logan	1979	1995
250. Benson Martin	1980	1995
251. Robert Maze	1980	1996
252. Christopher Peltier	1980	1996
253. Saulo Montalvo	1980	1996
254. Edward Matthews	1980	1996
255. Nathan Bell	1980	1996
256. Tieree Powell	1980	1997
257. Juan Nunez	1980	1997
258. Robert Wilson	1980	1997
259. Tyrone Reyes	1980	1997

MICHIGAN

Offender	Year of Birth	Offense Year
260. Calvin Wilson	1980	1997
261. Terrence McCrady	1980	1998
262. Lonnell Haywood V	1980	1997
263. Garry Steffenhagen	1980	1998
264. Charles Waters	1980	1997
265. Elliot Whittington	1981	1997
266. Jerome Walker	1981	1998
257. Shytour Williams	1981	1997
268. Oliver Webb IV	1981	1998
269. Daniel Gonzalez	1981	1998
270. Marc Osborne	1981	1999
271. Cornelius Copeland	1981	1998
272. Derone Huffman-King	1981	1999
273. John Espie	1982	1998
274. TJ Tremble	1982	1997
275. Gregory Petty	1982	1998
276. Matthew Bentley	1982	1997
277. Ahmad Williams	1982	1998
278. Christopher Hynes	1982	1998
279. Lamar Haywood	1982	1997
280. Recho Burns	1982	2000
281. Joseph Stanford	1982	2000
282. Robert Prince	1982	2000
283. Travis Tillman	1982	1999
284. Chad Maleski	1982	2000
285. Joshua Rogers	1982	2000
286. Patrick McLemore	1982	1999
287. James Washington III	1982	1999
288. Ryan Kendrick	1983	1999

MICHIGAN

Offender	Year of Birth	Offense Year
289. Maurice Black	1983	2000
290. Frederick Fields	1983	2000
291. Chavez Hall	1983	1999
292. Kenneth Hendrick	1983	2001
293. Anthony Chapman	1983	2001
294. Roy Jackson	1983	2000
295. Mario Smith	1983	2001
296. Frederick Williams	1983	2001
297. Marcus Rushell	1983	2001
298. Angela McConnell	1983	2000
299. Leon Williams	1984	2000
300. Marlon Walker	1984	2000
301. Mark Gonzalez	1984	1999
302. Eric Latimer	1984	2000
303. Kevin Robinson	1984	2000
304. Robert Hinds	1984	2001
305. Cordell Powell	1984	2001
306. Terrill Johnson	1984	2002
307. Antonio French	1984	2002
308. Maurice Ferrell	1985	2002
309. Johnny Williams	1985	2001
310. JaJuan Davis	1985	2002
311. Demariol Boykin	1985	2003
312. Jon Siesling	1985	2003
313. Michael Kirksey	1986	2002
314. Brandon Burns-Perry	1986	2003
315. Sharon Patterson	1986	2003
316. Jarrett Swanigan	1986	2004
317. Nicole Dupure	1986	2004

MICHIGAN

Offender	Year of Birth	Offense Year
318. Larketa Collier	1987	2003
319. Earl Rodgers	1987	2004
320. Christopher Clark	1987	2004
321. Anthony Fields	1987	2004
322. Leeclifton Moore	1987	2005
323. Michael Hills	1987	2005
324. Christopher Jackson	1987	2005
325. Cory Donald	1988	2005
326. Thomas Coleman	1988	2005
327. Adrian Nichols	1988	2006
328. Michael Cannon	1988	2006
329. Jerry Walker	1988	2006
330. Nathaniel Gilbert	1989	2005
331. Deondre Gaines	1989	2006
332. Louis Hernandez	1989	2005
333. Mark Moore	1989	2007
334. Giovanni Casper	1989	2006
335. Deandre Woolfolk	1989	2007
336. Justin Blackshere	1989	2007
337. Odies Murray	1989	2007
338. Justin Stephens	1989	2006
339. Raymond Carp	1990	2006
340. Dequavious Johnson	1990	2007
341. Jean Orlewicz	1990	2007
342. Cquan Hinton	1990	2007
343. Dremaris Jackson	1990	2008
344. Deante Hawkins	1991	2006
345. Shawn Commire	1991	2007
346. Keith Maxey	1991	2007

MICHIGAN

Offender	Year of Birth	Offense Year
347. Jean Cintron	1991	2008
348. Mike Zuniga	1991	2008
349. Ihab Masalmani	1991	2009
350. Dallas McDade	1992	2010
351. Jonathan Belton	1992	2008
352. Corey Watson	1992	2010
353. Robert Taylor	1992	2009
354. Quamain Leak	1992	2009
355. Tia Skinner	1992	2010
356. William Morton	1993	2008
357. Thomas McCloud, Jr.	1993	2008
358. Elijah Key	1993	2011
359. Deonte Howard	1993	2010
360. Dequarius Stewart	1993	2010
361. Mendo Love	1993	2010
362. Quintin King	1993	2011
363. Dontez Tillman	1994	2008
364. Taywon Williams	1994	2011
365. Juwan Wickware	1994	2010
366. Dakotah Eliason	1995	2010
367. Francisco Cavazos	1995	2012
368. Semaj Moran	1996	2012[15]

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[15] Like Pennyslvania, this list from the Michigan Department of Corrections includes a small number of offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. These offenders are entitled to resentencing irrespective of the *Montgomery* decision.

APPENDIX C

LOUISIANA[16]

Offender	Year of Birth	Offense Year
1. Clifford Hampton	1941	1958
2. Willie Richardson	1946	1962
3. Henry Montgomery	1946	1963
4. Donald Humble	1950	1967
5. James Preston	1951	1968
6. Robert Howard	1952	1967
7. Tommy Crogie	1952	1968
8. Leroy Jenkins	1955	1971
9. Emmitt Hills	1955	1972
10. Lue Sullivan	1956	1973
11. Joseph Woods	1956	1971
12. Larry Sylvester	1957	1973
13. Roderick Thomas	1957	1974
14. Karl Davis	1957	1974
15. Charles Sneed	1957	1974
16. Steve Perkins	1957	1974
17. Gary Tyler	1958	1974
18. David Adams	1958	1975
19. Donald Brooks	1959	1976
20. Frederick Johnson	1960	1977
21. Coby Harris	1960	1977
22. Barry Williams	1960	1977
23. Warren Harris	1960	1977
24. Calvin Palmer	1960	1978
25. Donnie Collum	1961	1977
26. John DiGirolamo	1961	1978

[16] The list of offenders from Louisiana included some convicted of non-homicide offenses and those offenders are not included here.

LOUISIANA

Offender	Year of Birth	Offense Year
27. John Czere	1961	1978
28. Ervin Dorsey	1961	1978
29. Arthur Funchless	1962	1978
30. Joe Brown	1962	1979
31. Phillip Schane	1963	1979
32. Reginald Williams	1963	1980
33. Eduardo Robinson	1963	1979
34. Henry Smith	1964	1980
35. Keith Stewart	1964	1980
36. Darryl Crockett	1964	1982
37. Anthony Richardson	1964	1981
38. Darnell Huntley	1964	1980
39. Jesse Trevathan	1964	1981
40. Joseph Marshall	1964	1980
41. Bob Thibodeaux	1965	1981
42. Danny Battaglia	1965	1981
43. Jeffery Lively	1965	1983
44. James Gilmore	1965	1982
45. Michael Nettles	1965	1982
46. Asahel Harvin	1966	1982
47. Thomas Sanders	1966	1983
48. Scott Lingle	1966	1982
49. Roger Nash	1967	1982
50. Clifford Braud	1967	1982
51. Jean Roux	1967	1983
52. Rickey Sheppard	1968	1984
53. Terry Fleming	1968	1985
54. Jerome Smith	1968	1985
55. Rodney Tolliver	1968	1985
56. Glenn Payne	1969	1984

LOUISIANA

Offender	Year of Birth	Offense Year
57. Tony Evans	1969	1985
58. Matthew Pineda	1969	1986
59. Johnny Smead	1969	1984
60. Willie Campbell	1969	1986
61. Troy Griffin	1970	1987
62. Augustus Kimple	1970	1987
63. Troy Dugar	1971	1986
64. Thilero Tapp	1971	1987
65. Dwight Jenkins	1971	1988
66. Tyskie Ross	1971	1989
67. Chad Young	1971	1988
68. Paul Stone	1972	1987
69. Freddie Mills	1972	1989
70. Bryan Widenhouse	1972	1989
71. Anderson Hill	1973	1989
72. Bart Stewart	1973	1989
73. Terrance Winn	1973	1989
74. Tony DeLome	1973	1990
75. Fabian Harper	1973	1990
76. Leo Looney	1974	1989
77. Gary Laroux	1974	1991
78. Brenda Carter	1974	1991
79. Thoedess Perow	1975	1991
80. Ronald Olivier	1975	1991
81. James Bradley	1975	1992
82. Ivy Mathis	1975	1992
83. Frederick Thompson	1975	1992
84. Mark Singer	1975	1992
85. Willie Plater	1975	1992
86. Vernon Francis	1975	1992

LOUISIANA

Offender	Year of Birth	Offense Year
87. David Mathis	1976	1992
88. Arthur Journet	1976	1992
89. Michael Gachot	1976	1991
90. Anthony Jones	1976	1993
91. Quentin Coleman	1976	1992
92. Jessie Grace	1976	1993
93. Johnny Powell	1976	1993
94. Darron Baker	1976	1993
95. Taurus Buchanon	1976	1993
96. Shon Williams	1976	1993
97. Herman Tureau	1976	1992
98. Terrance Simon	1976	1993
99. Troy Young	1976	1994
100. Shawn Arcement	1976	1994
101. Paul Bergeron	1976	1993
102. Dwaine Young	1976	1993
103. Antonio Jackson	1976	1994
104. Louis Gibson	1976	1993
105. Eric Laymon	1976	1993
106. Russell Rubin	1977	1992
107. Duane Henry	1977	1993
108. Joshua Williams	1977	1993
109. Eddie Smith	1977	1994
110. Jermaine Davis	1977	1993
111. Robert Bates	1977	1994
112. Toby Dupre	1977	1994
113. Toby Parfait	1977	1994
114. Michelle Benjamin	1977	1994
115. Rodney Temple	1977	1994
116. Calvin Tolbert	1977	1994

LOUISIANA

Offender	Year of Birth	Offense Year
117. Leroy Wilson	1977	1995
118. Troy Keys	1977	1994
119. George Gillam	1977	1994
120. Anthony Williams	1977	1995
121. Charles Sumler	1978	1993
122. Jason Pilcher	1978	1993
123. Christi Cheramie	1978	1994
124. Christopher Davis	1978	1994
125. Frank Griffin	1978	1994
126. Eric Brown	1978	1994
127. Damien Riley	1978	1994
128. Willie Williams	1978	1995
129. Melvin Mingo	1978	1994
130. Rassie Givens	1978	1995
131. Alphonse Porter	1978	1995
132. Kevin Jordan	1978	1996
133. Cedric Howard	1978	1994
134. Shawn Foster	1978	1993
135. Patrick Wilson	1978	1995
136. Chakha James	1978	1995
137. James Fuller	1978	1995
138. Jermaine Coates	1979	1995
139. Nicaragua Demery	1979	1995
140. Kadrick Stewart	1979	1995
141. Lawrence Jacobs	1979	1996
142. Edward Richardson	1979	1996
143. Xavier Artis	1979	1996
144. Barry Pascual	1979	1996
145. Joseph Green	1979	1994
146. Joseph Revader	1979	1997

LOUISIANA

Offender	Year of Birth	Offense Year
147. Andre Evans	1979	1996
148. Tyrone Webb	1979	1997
149. Byron Riley	1980	1996
150. Phillip Smith	1980	1995
151. William Scott	1980	1996
152. Audy Keith	1980	1996
153. Shedrick Brumfield	1980	1997
154. Addarryll Wesley	1980	1997
155. Clyde Joseph	1980	1996
156. Dominic LeBouef	1981	1998
157. Andrew Hundley	1981	1997
158. Shelton Cummings	1981	1998
159. Kyle Alexander	1981	1997
160. David Lightsey	1981	1998
161. Gabriel Logan	1981	1998
162. Corey Williams	1981	1998
163. Derrick Smith	1982	1999
164. Montreal Jackson	1982	1998
165. Michael Fasola	1982	1999
166. Ryan Crotwell	1983	1999
167. Stanley Stirgus	1984	2001
168. Bobby Terrick	1985	2001
169. Jesse Swartz	1985	2002
170. Brian Archuleta	1985	2003
171. Mark St. Julien	1986	2002
172. Raymond Green	1987	2003
173. Derrick London	1988	2005
174. Anthony Johnson	1988	2005
175. Cordell Shivers	1988	2006
176. Tyrone Brown	1989	2005

LOUISIANA

Offender	Year of Birth	Offense Year
177. Clarence Johnson	1989	2007
178. Ronald Anderson	1989	2005
179. Jared Graham	1989	2005
180. Rontrell Wise	1989	2006
181. Glenn Carter	1990	2007
182. Juave Collins	1990	2007
183. Connor Wood	1991	2007
184. Patrick Williams	1991	2007
185. Justin Collins	1991	2008
186. Corenza Kelly	1991	2007
187. Jonathan Jones	1992	2008
188. Dominique Davis	1992	2009
189. Kevin Francis	1992	2009
190. Michael Louding	1992	2009
191. Willie Jones	1993	2010
192. Michael Williams	1993	2009
193. Tevin Crockett	1993	2009
194. Paris Smith	1993	2010
195. David Dove	1993	2009
196. Trevor Reese	1993	2010
197. Cody Smoot	1994	2011
198. Jamichael Hudson	1994	2010
199. Jeffrey Doise	1994	2011
200. Dalton Fletcher	1995	2010
201. Gquan Baker	1995	2011
202. Tory Clark	1995	2010[17]

[17] Like Pennsylvania and Michigan, this list includes a small number of offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. They are entitled to resentencing.

APPENDIX D

MISSOURI[18]

Offender	Year of Birth	Sentencing[19]
1. James Miller	1966	1986
2. Robert Gibbs	1966	1986
3. Bradley Houston	1967	1986
4. William Gebhart	1967	1986
5. Antoine Owens	1967	1987
6. Donald Steward	1967	1988
7. Tommy Thomas	1968	1987
8. Charles Criner	1968	1988
9. Kevin Bradshaw	1969	1988
10. Stacy Hunter	1969	1988
11. Ralph McElroy	1969	1989
12. Michael Conway	1969	1989
13. James Hardy	1970	1988
14. Lisa Harris	1970	1987
15. Liddell Wilson	1970	1988
16. Theron Roland	1970	1988
17. Robert Courtney	1970	1989
18. Ronald Clements	1970	1991
19. Joseph Dayringer	1971	1987
20. Sidney Roberts	1971	1989
21. Tino Wedlow	1971	1991

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[18] Because the Missouri list did not include offense dates for some of the older offenders, it is not clear for 31 of the offenders whether they were juveniles when they committed murder.

[19] The list identifies the sentencing year because that information is available for all offenders listed.

MISSOURI

Offender	Year of Birth	Sentencing
22. Lamont Bounds	1971	1991
23. Michael Saunders	1971	1991
24. Aaron Frazier	1971	1991
25. Michael Silas	1971	1992
26. Michael McRoberts	1972	1990
27. Walter Eden	1972	1991
28. Bryan Crews	1972	1991
29. Jerry Goforth	1972	1991
30. Edward Ramsey	1972	1991
31. David Moore	1972	1992
32. Bryan Seddens	1973	1991
33. Robert Welch	1973	1992
34. Johnathan Collier	1973	1993
35. Marcus Terry	1973	1994
36. Michael Vincent	1974	1990
37. Douglas Brewster	1974	1992
38. Jeromy Lay	1974	1992
39. Daryll McNair	1974	1993
40. Ike Crawford	1974	1993
41. Jeffery Grice	1974	1993
42. Jamell Davis	1974	1993
43. Lonnie Evans	1974	1995
44. Chad Davis	1974	1995
45. Antonio Richardson	1974	2003
46. Lawanda Jackson	1975	1993
47. Sheena Eastburn	1975	1995
48. Curtis Stewart	1975	1991
49. Edward Anderson	1975	1993
50. Jason Minks	1975	1993

MISSOURI

Offender	Year of Birth	Sentencing
51. Martin Gilliland	1975	1993
52. Rico Readus	1975	1993
53. Jess Rush	1975	1996
54. Christopher Santillan	1975	1998
55. Norman Brown	1976	1993
56. Joseph Clark	1976	1994
57. Shawn Barnaby	1976	1995
58. George Brown	1976	1995
59. Henry Ross	1976	1995
60. Roderick Forest	1976	1995
61. Christopher Simmons	1976	2003
62. Michael Williams	1977	1994
63. Christopher Polk	1976	1996
64. Christopher Creed	1977	1996
65. Charles Benjamin	1977	1994
66. Tony Jones	1977	1994
67. Trevin Gamble	1977	1995
68. William Rousan	1977	1996
69. Hasan Allison	1977	1996
70. Damon Caldwell	1977	1996
71. Jeremy Davis	1977	1996
72. Carlos Wade	1977	1997
73. Sterling Burns	1977	1996
74. Lonnie Lockhart	1978	1996
75. Nathaniel Hack	1978	1996
76. Tyrone Morant	1978	1997
77. Michael Cotton	1978	1997
78. Louis Clark	1978	1999

MISSOURI

Offender	Year of Birth	Sentencing
79. James Hicklin	1979	1997
80. Marcus McCombs	1979	1997
81. Michael Davis	1979	1998
82. Carlos Saddler	1979	1998
83. Derrelle Pinner	1979	1998
84. Michael Taylor	1979	1998
85. Terrell Lacy	1979	1998
86. Levar Aikens	1980	1997
87. Joseph Burris	1980	1997
88. Antonio Ramirez	1980	1999
89. Zachary Wilson	1980	1999
90. Jessie Carter	1980	2000
91. Jeremy Payne	1980	2003
92. William Branch	1981	2000
93. Robert Proud	1981	1999
94. Sheron Davis	1981	2000
95. Gary Griffin	1981	1999
96. Johnnie Thomas	1982	2000
97. Cedric Clerk	1982	1999
98. Crystal Barge	1982	2006
99. Joe Dixon	1983	2001
100. Jared Cole	1983	2002
101. Joshua Wolf	1984	2001
102. Deangelo Crawford	1984	2003
103. Demont Waites	1984	2005
104. Quantel Lotts	1985	2003
105. Zacheriah Tripp	1985	2003
106. Jarrell Brooks	1985	2004

MISSOURI

Offender	Year of Birth	Sentencing
107. Rodney Allen	1988	2006
108. Alexander Stirlen	1988	2006
109. Edward George	1989	2008
110. Aaron Robinson	1989	2010
111. Antonio Andrews	1992	2009
112. Laron Hart	1992	2011
113. Reyes Olivas	1993	2012[20]

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[20] Like Pennsylvania Michigan, and Louisiana, this list from Missouri includes a small number of offenders whose cases were pending when *Miller* was decided, generally the cases where the offense date was committed in 2008 or later. These offenders are entitled to resentencing.

APPENDIX E
COOK COUNTY

Offender	Year of Birth[21]	Offense Year[22]
1. Joseph Rodriguez	1965	1982
2. Steven Hawthorne	1967	1983
3. Melky Terry	1969	1985
4. Manuel Bobe	1970	1986
5. Gerald Rice	1970	1986
6. Byia Bruce	1972	1999
7. David Biro	1974	1990
8. Joseph Wingard	1974	1991
9. Nelson Morris	1974	1991
10. Allen Caffey	1974	1990
11. Michael Wages	1975	1990
12. Cedric Cal	1975	1992
13. Albert Kirkman	1975	1992
14. Lindsey Crittle	1975	1992
15. Wendell Robinson	1977	1994
16. Andre Mauldin	1976	1992
17. Fred Weatherspoon	1976	1993
18. Johnny Plummer	1976	1993
19. Michael Cooks	1977	1991
20. Adolfo Davis	1977	1991

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[21] The Cook County list does not include birthdates, but only the age at the time of the offense, so the year of birth is taken by subtracting the age from the offense year.

[22] The year dates from Cook County are taken from the year the murder charge was filed, so it marks the latest year the crime could have occurred.

COOK COUNTY

Offender	Year of Birth	Offense Year
21. Jacqueline Montanez	1977	1992
22. Damien Phelps	1977	1993
23. Scott Chambers	1977	1994
24. David Evans	1977	1994
25. Carl Williams	1977	1994
26. David Wright	1977	1994
27. Marcos Gray	1977	1993
28. Bobby Cooley	1977	1994
29. Laron Warren	1977	1994
30. William Negron	1977	1994
31. Mark Coleman	1978	1994
32. Darrell Cosey	1978	1993
33. Albert Guerra	1979	1995
34. Wayne Antusas	1979	1996
35. Nicholas Morfin	1979	1996
36. Adam Gray	1980	1994
37. Martin Hill	1980	1995
38. Ronald Hood	1980	1996
39. Anthony Spaulding	1980	1996
40. Javell Ivory	1980	1997
41. Demetrius Jackson	1980	1997
42. Kevin Malone	1980	1997
43. Eric Anderson	1981	1996
44. Larod Styles	1981	1996
45. Jermaine Jameson	1981	1997
46. Daniel Henney	1981	1998
47. Kentrell Stoutmire	1981	1998
48. Dino Decorpo	1981	1998
49. Darnell Foxx	1982	1997
50. Antoine Anderson	1982	1999

Offender	Year of Birth	Offense Year
51. Roberto Haynie	1984	2000
52. Marshun Hunt	1985	2002
53. Hector Delgado	1985	2001